

REMARKS

In the Office Action dated September 14, 2005, claims 1-19 were presented for examination. Claims 1-12, 14-16, 18, and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by *Weinberger et al.*, U.S. Patent No. 6,813,777, and claims 13 and 17 were rejection under 35 U.S.C. §103(a) as being unpatentable over *Weinberger et al.* in view of *Cook*, U.S. Patent No. 4,189,769.

The following remarks are provided in support of the pending claims and is responsive to the Office Action of September 14, 2005 for the pending application.

I. Rejection of claim 1-12, 14-16, 18, and 19 under 35 U.S.C. §102(e)

In the Office Action of September 14, 2005, the Examiner assigned to the application rejected claims 1-12, 14-16, 18, and 19 under 35 U.S.C. §102(e) as being anticipated by *Weinberger et al.*

The remarks pertaining to *Weinberger et al.* in the Response to the First Office Action are hereby incorporated by reference.

As noted by the Examiner, Applicant submitted a Declaration with the Response to the First Office Action. This Declaration was submitted to provide a definition for a Service Processor and to substantiate that Service Processors are known in the art, as it became apparent in the Examiner's Interview of June 28, 2005 that the Examiner was not familiar with a Service Processor. The Declaration was provided to substantiate that a Service Processor is well known in the art, and that its sole function is to control hardware and provide diagnostic support. Applicant has not elaborated on further diagnostic elements in the claims as it is inherent in the definition of a service processor, as provided in the Declaration of Paul E. McKenney. See

Declaration of Paul E. McKenney ¶11 (attached as Exhibit A to Applicant's Response to Office Action dated June 30, 2005) (hereinafter "McKenney Declaration"). Furthermore, Applicant is not claiming any new structural element to a Service Processor, with exception of a UART communication channel. Rather, Applicant is claiming leveraging the Service Processor to support remote communication with a computer system.

Weinberger et al. relates to a system that includes a system server where the system's software interfaces with a networked unit server and one or more service clients. This interface is intended to provide services to the client in the form of a passenger entertainment system, known as an audio-video seat distribution unit 231.

"One audio-video seat distribution unit 231 is provided for each seat 123 and contains a tuner and related circuitry (Fig. 7) that demodulates the modulated RF signals, demodulates the NTSC video streams to produce NTSC video and audio signals for display, and decompresses and demodulates the quadrature amplitude modulated MPEG-compressed video transport streams to produce MPEG NTSC video and audio signals for display. The audio-video seat distribution unit 231 controls distribution of video, audio, and data to a headset 232 or headphones 232, the seat display 122, and the passenger control unit 121. The audio-video seat distribution unit 231 couples the video and audio signals from a selected video stream to the seat display 122 and by way of a headset jack 132a to the headset 132 (headphones 132) for passenger viewing and listening."

Weinberger et al., U.S. Patent No. 6,813,777, Col. 10, lines 48-62. Clearly, the audio-video unit 231 of *Weinberger et al.* is configured to deliver audio and video signals to one or more headsets and/or display units. The audio-video unit 231 of *Weinberger et al.* includes a seat control card 269 to demodulate RF signals.

"Each of the seat controller cards 269 includes a microprocessor (μ P) 272, such as a PowerPC.TM. processor, for example, that controls the tuner. The microprocessor 272 is used to address the seat controller card 269 as a node on the network. A database is set up in the primary access terminal 225 which includes entries for each of the microprocessors (i.e., each seat 123). The addressability feature permits programming of each seat to receive certain types

of data. Thus, each audio-video unit 269 may be programmed to selectively receive certain videos or groups of video selections, or audio selections from selected audio reproducers. The addressability aspect of the present system 100 allows the airline to put together entertainment "packages" for distribution to different zones or groups of seats. Also, each seat (or seats in different zones) may be programmed to be able to play games, use the telephones 121c and credit card reader 121d, use a personal video player or computer, have the ability to engage in video teleconferencing and computer data interchange, or gain access to the Internet. Furthermore, the addressability associated with each seat permits order processing and tracking, and control over menus that are available to passengers at respective seats, for example. The addressability feature also permits dynamic reconfiguration of the total entertainment system 100."

Id., Col. 26, lines 31-54. However, there is no teaching for the seat control card of *Weinberger et al.* to provide diagnostic support. As the Examiner notes "the service processor 231 is used as a control component in the passenger entertainment system, and cannot be used for general purpose computing tasks." Second Office Action, page 11. However, a Service Processor provides diagnostic support, which is not present in the audio-video unit 231 of *Weinberger et al.* As known in the art, "the service processor is a computer physically attached to a computer system, wherein the processor's sole function is to control the hardware and provide diagnostic support." See McKenney Declaration, ¶11. The audio-video unit of *Weinberger et al.* is not a separate computer within a computer system that provides diagnostic support.

Furthermore, as noted in the preamble of Applicant's claims, 1, 7, 12, and 16, the method and system are operable in a headless environment. "A headless operating system requires that local console input/output dependencies be removed from the operating system, *i.e.* in a headless environment the operating system supports operating without a keyboard, mouse or monitor directly attached to the system." Applicant's Specification, Page 1, lines 18-21. The Examiner notes on page 9 of the Second Office Action "that Service Processor 231 of *Weingberger* does not have a keyboard, a mouse or a monitor directly attached to the system, and therefore, by the Applicant's own definition, constitutes a headless environment." However, Fig. 3 of *Weinberger et al.* shows a keyboard 129b and a laptop interface 129b in direct communication with the

audio-video unit 231. The Keyboard 129b and the laptop interface 129b are shown as two separate solid lines connected into the audio-video unit 231. "Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation." MPEP §2111.02, citing *Corning Glass Works v. Sumitomo Elec. U.S.A.*, 868 F.2d 1251, 1257, 9 USPQ 2d 1962 (Fed. Cir. 1989). As noted in claims 1, 7, 12, and 16, each claim preamble states "a computer system operable in a headless environment". This statement was placed in the preamble of each of the claims to indicate a statement of the intentional purpose, not as a statement of effect that may or may not be desired. It is clear that computer system of *Weinberger et al.* is not a system that is operable in a headless environment.

In order for the claimed invention to be anticipated under 35 U.S.C. §102(e), the prior art must teach all claimed limitations presented by the claimed invention. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)). *Weinberger et al.* does not anticipate the invention of Applicant based upon the legal definition of anticipation. Specifically, *Weinberger et al.* does not show the Service Processor or a computer system operable in a headless environment. Accordingly, *Weinberger et al.* clearly fails to teach the limitations pertaining to the computer system operable in a headless environment and the Service Processor as presented in Applicant's pending claims 1-12, 14-16, 18, and 19.

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicant requests that the Examiner indicate allowability of claims 1-12, 14-16, and 18-19 and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of

claims 1-12, 14-16, and 18-19 of this application are respectfully requested.

Respectfully submitted,

By: 

Rochelle Lieberman
Registration No. 39,276
Attorney for Applicant

Lieberman & Brandsdorfer, LLC
802 Still Creek Lane
Gaithersburg, MD 20878
Phone: (301) 948-7775
Fax: (301) 948-7774
Email: rocky@legalplanner.com

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